

Article - Estates and Trusts

[\[Previous\]](#)[\[Next\]](#)

§14.5–604.

(a) This section applies:

(1) (i) With respect to a final judgment of absolute divorce of the settlor and the settlor's spouse, if the final judgment was entered into on or after October 1, 2016; or

(ii) With respect to an annulment of the marriage, if the annulment occurred on or after October 1, 2016; and

(2) Unless otherwise expressly provided:

(i) In the trust instrument;

(ii) By court order; or

(iii) By written agreement between the settlor and the settlor's spouse or former spouse.

(b) On the absolute divorce of the settlor and the settlor's spouse or the annulment of the marriage occurring after the creation of the settlor's revocable trust:

(1) All terms of the trust relating to trust distributions to or for the benefit of the spouse shall be revoked, and, for the purposes of the trust, the spouse shall be deemed to have died on the date of the absolute divorce or annulment;

(2) If the spouse is serving as a trustee or as an advisor to the trustee of the trust, the spouse shall be removed as a trustee or an advisor on the date of the absolute divorce or annulment without further court action; and

(3) After the divorce or annulment, the former spouse may not:

(i) Serve as a trustee or as an advisor to the trustee of the trust; or

(ii) Exercise any trust or fiduciary powers provided in the terms of the trust, including any power of appointment.

[\[Previous\]](#)[\[Next\]](#)